IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO.780 OF 2000

Ashok Bhaguji Khadke]
Age 33 yrs. Occ. Rickshaw Driver]
Residing at Tuljabhawani Mandir]
Mohan Nagar, Chinchwad, Pune -] Appellant
At present lodged in Yerwada] (Org.Accused)
Jail Pune.]

versus

State of Maharashtra] Respondent.

Mrs.Revati Mohite-Dere for the appellant.
Mr.D.R.More, APP, for the State.

CORAM : D.G.DESHPANDE &
V.M.KANADE, JJ.
DATED : 12th December 2005.

OPERATIVE ORDER

. For the reasons separately recorded, the following order is passed :-

Appeal is partly allowed.

Conviction and sentence of the accused under Section 302 of the Indian Penal Code is set aside.

Conviction and sentence of the accused under Section 182 of the Indian Penal Code is maintained.

Accused is convicted under Section 304 Part II of the Indian Penal Code and sentenced him to suffer R.I. for the period already undergone by him. Since this sentence as well as the sentence under Section 182 were made concurrent, the accused shall be released forthwith if he is not required in any other case.

Appeal is disposed of accordingly.

[D.G.DESHPANDE,J]

[V.M.qKANADE,J]